Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

CONTEMPT CASE NO. 04 /2007

APPLICANT :- Kadam Lal Yadav S/o Late Shri Baliram Yadav, aged about 32 years, R/o village- Darri, Post Office Bhilai Bazar, Police Station- Kusmunda colliery, Tahsil- Katghora, District Korba [C.G.].

VERSUS

NON-APPLICANTS :- 1. Shri S.R. Sharma, General Manager, South Eastern Coal Fields Limited, Johila Region, District Umariya [M.P.].

2. Shri S.K. Bhargava, Deputy Chief Personnel Manager, South Eastern Coal Fields Limited, Narojabad Sub Region, Johila Region, District Umariya [M.P.].

P.R. No. 62/07
Presented by Sri N.K. Shukla
dated 9/11/07

CONTEMPT CASE UNDER ARTICLE 215 OF THE CONSTITUTION OF INDIA READ WITH SECTION 12 AND 15 OF THE CONTEMPT OF COURTS ACT, 1971.

XI-HC—78

(7.5)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cont case 4/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	26.2.2007:	

Shri Ashok Swarnkar counsel for the applicant.

Dr. N.K. Shukla learned Sr. counsel with Miss. Ritu Mishra for non-applicants.

Reply has been filed by the respondents wherein it has been mentioned that the gratuity payable to late Baliram Yadav has been deposited with the Assistant Labour Commissioner (Central) District Shahdol / Competent Authority, on 15.12.2006. Smt. Ganga Bai and Kiran Kumar claiming to be the widow and son of late Baliram Yadav obtained the succession certificate vide Annexure R-1 from Civil Judge Class-I Umariya in Succession Case No. 30/2004 on 10.11.2005 and based on that an amount of Rs. 1,10,948 has been deposited with the Assistant Labour Commissioner vide Demand Draft dated 15.12.2006. The succession certificate obtained by the applicant herein on 26.12.2005 was issued from the Court of Civil Judge Class I Katghora, which was later in time, therefore, the amount could not be disbursed and as such there is dispute between the parties and both of them have obtained the succession certificates. Moreover, Dr. Shukla submits that Ganga Bai is the nominee of late Baliram Yadav as is mentioned in paragraph 2 of the reply. Thus in view of above, there is dispute regarding the entitlement of the applicant to receive the gratuity of late Baliram Yadav.

In these circumstances, the applicant may approach appropriate forum for redressal of his grievance and no case of contempt is made out. Accordingly, the notices of contempt are discharged and the petition is dismissed.

Sd/-
L.C.BHADOO
Judge